

**IN THE UNITED STATES BANKRUPTCY COURT  
FOR THE EASTERN DISTRICT OF VIRGINIA  
Richmond Division**

**In Re: STONY POINT LAND, INC.**

**Case No. 10-31740-KRH  
Chapter 11**

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**STONY POINT LAND, INC.**

**Plaintiff,**

**v.**

**Adv. Proc. No. 10-\_\_\_\_\_**

**SIMONS HAULING COMPANY, INC.**

**[Case No. CL08004029-00 in the Circuit Court  
for Richmond City]**

**Defendant.**

**NOTICE OF REMOVAL**

Pursuant to 28 U.S.C. § 1452(a), and in accordance with Rule 9027 of the Federal Rules of Bankruptcy Procedure, notice is hereby given that Debtor Stony Point Land, Inc. ("Stony Point"), by counsel, hereby removes certain Claims (as "Claims" is later defined herein) contained in the above-captioned action to the Richmond Division of the United States Bankruptcy Court for the Eastern District of Virginia from the Circuit Court of Richmond City, Virginia. In support of the removal, Stony Point states as follows:

1. On or about August 25, 2008, Stony Point commenced a civil action against Simons Hauling Company, Inc. ("Simons Hauling") in the Circuit Court of Richmond City, Virginia ("the Circuit Court"), Case No. CL08004029-00 (the "Civil Action").

2. On or about March 12, 2010, Stony Point, filed a voluntary petition for relief under

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*Counsel for Stony Point Land, Inc.*

Chapter 11 of the Bankruptcy Code in the United States Bankruptcy Court for the Eastern of Virginia, Richmond Division, Case No. 10-31740-KRH (the "Bankruptcy Case"). The Bankruptcy Case remains pending at this time.

3. The Civil Action was commenced by the filing of an Application for Permission to Pay Money into Court to Discharge Mechanic's Liens. Stony Point filed the action to obtain the release of certain mechanic's liens from real property it owns. Stony Point posted a cash bond in the Civil Action; and, currently, there is approximately \$139,000.00 being held by the Circuit Court pending a determination and/or resolution of the validity of the mechanic's liens, including the claims of Simons Hauling.

4. The Civil Action arises generally out of work by Simons Hauling as a subcontractor to Stony Point on a construction project.

5. This Court has jurisdiction over the Claims pursuant to 28 U.S.C. § 1334(b) and 28 U.S.C. § 1452.

6. Upon removal, this proceeding is a core matter pursuant to 28 U.S.C. § 157(2)(B) and (C).

7. Under 28 U.S.C. § 1452(a), a party may remove a claim or cause of action to the bankruptcy court for the district where such civil action is pending if such court has jurisdiction of such claim or cause of action under 28 U.S.C. § 1334.

8. This Notice is filed within the time prescribed by Rule 9027(a) of the Federal Rules of Bankruptcy Procedure.

9. Pursuant to Rule 9027(a)(1), Stony Point submits copies of the pleadings filed in the Civil Action.

NOW, THEREFORE, all parties to the Civil Action are HEREBY NOTIFIED that Stony

Point gives notice of the removal of the Claims against it to the Richmond Division of the United States Bankruptcy Court for the Eastern District of Virginia from the Circuit Court of the City of Richmond, Virginia, pursuant to 28 U.S.C. § 1452(a) and Rule 9027(a) of the Federal Rules of Bankruptcy Procedure; and that removal of the Claims will be effected upon the filing of this Notice of Removal with the Clerk of the Circuit Court of Richmond City, Virginia.

Dated: June 9, 2010

MERCERTRIGIANI

/s/ Philip C. Baxa

Philip C. Baxa, VSB No. 22977

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Richmond, Virginia 23219

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*Counsel for Stony Point Land, Inc.*

### **CERTIFICATE OF SERVICE**

I hereby certify on this 9th day of June, 2010, a true copy of the this Notice was delivered by electronic means and/or mailed first class mail, postage fully prepaid (without exhibits), addressed to the parties listed on the attached service list.

/s/ Philip C. Baxa

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## **SERVICE LIST**

Franklin Federal Savings Bank  
4501 Cox Road  
P.O. Box 5301  
Glen Allen, VA 23058-5310

Andrea M. Sullivan, Esquire  
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DurretteBradshaw PLC  
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W. Clarkson McDow, Jr.  
Office of the U.S. Trustee  
701 East Broad Street, Suite 4304  
Richmond, VA 23219-1849

Stony Point Land, Inc.  
1927 Hanover Avenue  
Richmond, VA 23220-3509

Internal Revenue Service  
Centralized Insolvency Operations  
P.O. Box 21126  
Philadelphia, PA 19114-0326

Thomas and Katherine Hubbard  
c/o Blackburn Conte Schilling  
300 West Main Street  
Richmond, VA 23220-5630

Mark A. Putney  
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Richmond, VA 23220-3509

United States Bankruptcy Court  
701 East Broad Street  
Richmond, VA 23219-1888

Simons Hauling Company, Inc.  
c/o Hubbard Terry & Britt  
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Kilmarnock, VA 22482

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## **LIST OF EXHIBITS**

Application for Permission to Pay Money Into Court to Discharge Mechanic's Liens	Exhibit 1
Amended Application for Permission to Pay Money Into Court to Discharge Mechanic's Liens	Exhibit 2
Notice of Hearing	Exhibit 3
Order Granting Application to Release Mechanic's Liens	Exhibit 4
Second Amended Application for Permission to Pay Money Into Court to Discharge Mechanic's Liens	Exhibit 5
Notice of Hearing	Exhibit 6
Motion to Reduce Amount of Money Paid Into Court to Discharge Mechanic's Liens	Exhibit 7
Notice of Withdrawal of Second Amended Application for Permission to Pay Money Into Court to Discharge Mechanics Liens	Exhibit 8
Amended Motion to Reduce Amount of Money Deposited Into Court to Discharge Mechanic's Liens	Exhibit 9
Notice of Hearing	Exhibit 10
Amended Notice of Hearing	Exhibit 11
Order Granting Motion to Reduce Deposit	Exhibit 12
Notice of Bankruptcy	Exhibit 13
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